

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HECTOR IBARRA, ET AL.

V.

TOWER INSURANCE COMPANY OF  
NEW YORK, ET AL.

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CIVIL ACTION NO. G-11-115

**ORDER ADOPTING REPORT AND RECOMMENDATION**

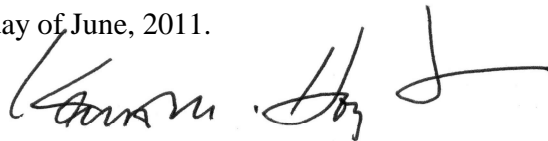
On June 14, 2011, Magistrate Judge John R. Froeschner submitted a Report and Recommendation to this Court in which he recommended that the "Motion for Summary Judgment" of Defendant, Sterling National Insurance Agency, Inc., be granted after finding that Sterling was not the agency involved in handling the adjustment of Plaintiffs' property damage claim. On June 22, 2011, Plaintiffs, in a response to the Report and Recommendation, stated that their investigation has confirmed Sterling's position and, consequently, they are not opposed to the Motion.

After appropriate review, pursuant to 28 U.S.C. § 636(b)(1)(C), the Court finds that Judge Froeschner's findings and recommendation are well-grounded in law and fact.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- 1) the Report and Recommendation of Magistrate Judge Froeschner is **APPROVED** and **ADOPTED** by this Court;
- 2) the "Motion for Summary Judgment" (Instrument no. 5) of Defendant, Sterling National Insurance Agency, Inc., is **GRANTED**; and
- 3) all claims asserted by Plaintiffs in their Original Petition against Defendant, Sterling National Insurance Agency, Inc., are **DISMISSED, with prejudice**.

SIGNED at Houston, Texas this 27<sup>th</sup> day of June, 2011.



Kenneth M. Hoyt  
United States District Judge